

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

**CIVIL NO. 1:05CV305-1-T
(1:02CR45)**

MANUEL CARRIZOZA,

Petitioner,

V.

UNITED STATES OF AMERICA,

Respondent.

ORDER

THIS MATTER is before the Court *sua sponte* to address Respondent's request for additional time in which to respond to the Petitioner's insufficiency of the evidence claim.

On January 4, 2008, Respondent filed a reply to the Petitioner's response to the Respondent's motion to dismiss. **Government's Reply in Support of its Motion to Dismiss, filed January 4, 2008.** In such reply, Respondent requests that the Court allow an additional period of time for it to respond to the Petitioner's allegation contained in Issue I regarding the failure to appeal based on insufficiency of the evidence. ***Id.* at 1.** In the interest of justice and finality, the Court will grant a modest period of time

to the Respondent to file its reply. The Petitioner is also afforded an opportunity to file a response thereto.

IT IS, THEREFORE, ORDERED that Respondent's motion is **ALLOWED**, and a reply to the Petitioner's allegation contained in Issue I regarding the failure to appeal based on insufficiency of the evidence may be filed within 15 days from entry of this Order; the Petitioner is likewise afforded 15 days from service of Respondent's reply to file response thereto.

Signed: June 5, 2008

A handwritten signature in black ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

